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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-------------------|
| 10/675,559 | 09/30/2003 | Philippe Gambier | 68.0412 | 6528 |
| 35204 | 7590 | 06/22/2005 | EXAMINER | |
| SCHLUMBERGER RESERVOIR COMPLETIONS 14910 AIRLINE ROAD ROSHARON, TX 77583 | | | | MILLER, WILLIAM L |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 3677 |

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/675,559 | GAMBIER, PHILIPPE | |
| | Examiner | Art Unit | |
| | William L. Miller | 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 April 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-46 is/are pending in the application.
 4a) Of the above claim(s) 4,5,7,18 and 19 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,6,8-17 and 20-46 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09302003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species, Fig. 1, in the reply filed on 04-14-2005 is acknowledged. The applicant indicates claims 1-3, 6-17, and 20-46 read on the elected species, however claim 7 recites a spring which is not included in the Fig. 1 embodiment. Consequently, claims 4, 5, 7, 18, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 15-17, 20, 28, 29, and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al. (US#3298716).

4. Taylor discloses a seal assembly comprising: a thermoplastic seal 19; a preload member 1, namely a threaded pipe/mandrel, applies a force to induce cold flow of the seal (col. 2, lines 60-72, col. 4, line 59 thru col. 5, line 5); and metal ferrules 11,12 abutting ends of the seal.

5. Regarding claims 38 and 39, Taylor discloses a seal comprising: a housing 6; and a deformed thermoplastic seal member 19 that provides a fluidic seal against the housing and a component 21 (col. 5, lines 1-5), element 21 being viewed and labeled as a "control line" as it aids in controlling fluid flow through the pipeline.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-13, 21-26, 30-35, and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Evans (US#6861131).

8. Regarding claims 10-13, 23-26, 32-35, and 42-45, Taylor discloses the seal as being made of the same material as the elements 7 and 8, thus the seal is any thermoplastic material resistant to corrosive conditions, such as polypropylene (col. 2, lines 20-23). Taylor thus fails to disclose the thermoplastic material as PEEK, PEK, PPS, or PEKEEK as claimed by the applicant. However, the specific thermoplastic material is not a critical feature of the applicant's invention, and the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). In any event, Evans teaches in col. 11, lines 20-36, that polypropylene, PEEK, PEK, PPS, and PEKEEK are known thermoplastic equivalents. Therefore, since Taylor invites the usage of thermoplastic materials other than polypropylene, and Evans teaches that polypropylene, PEEK, PEK, PPS, and PEKEEK are known thermoplastic equivalents, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taylor in view of the teachings of Evans such that the thermoplastic material was PEEK, PEK, PPS, or PEKEEK for the inherent material properties thereof.

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9. Regarding claims 8, 9, 21, 22, 30, 31, 40, and 41, since Taylor as modified by Evans discloses the thermoplastic material as PEEK, PEK, PPS, or PEKEEK, then this thermoplastic material inherently possesses the claimed tensile modulus range and flexural modulus range.

10. Claims 8, 9, 14, 21, 22, 27, 30, 31, 36, 40, 41, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Wadahara et al. (US#6384128).

11. Regarding claims 14, 27, 36, and 46, Taylor discloses the seal as being made of the same material as the elements 7 and 8, thus the seal is any thermoplastic material resistant to corrosive conditions, such as polypropylene (col. 2, lines 20-23). Taylor thus fails to disclose the thermoplastic material as PET as claimed by the applicant. However, the specific thermoplastic material is not a critical feature of the applicant's invention, and the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). In any event, Wadahara teaches in col. 9, lines 18-29, that polypropylene (along with PEEK, PEK, PPS) and PET are known thermoplastic equivalents. Therefore, since Taylor invites the usage of thermoplastic materials other than polypropylene, and Wadahara teaches that polypropylene and PET are known thermoplastic equivalents, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taylor in view of the teachings of Wadahara such that the thermoplastic material was PET for the inherent material properties thereof.

12. Regarding claims 8, 9, 21, 22, 30, 31, 40, and 41, since Taylor as modified by Wadahara discloses the thermoplastic material as PET, then this thermoplastic material inherently possesses the claimed tensile modulus range and flexural modulus range.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677

WLM

